UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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MARK R. LASKOWSKI, et al.,   Civil Action No. 5:11-CV-340
                                                    (GLS/ATB)
                        Plaintiffs,

        v.

LIBERTY MUTUAL FIRE INS. CO.

                        Defendant.

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DENNIS J. ARTESE, ESQ., for Plaintiff
THOMAS J. O'CONNOR, ESQ., for Defendant

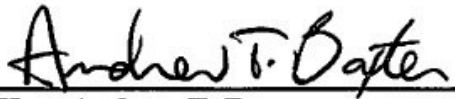ANDREW T. BAXTER, U.S. MAGISTRATE JUDGE

ORDER

        Presently before this court are two discovery issues discussed in letter briefs

submitted by defendant on June 13, 2011 (Dkt. No. 27), and by plaintiff on June 20th

(Dkt. No. 28). The defendant has objected to two of plaintiff's discovery requests–(1)

a request that defendant identify any fire loss claims in New York that defendant has

denied in the last seven years, and produce any related documents, including claims

files; and (2) a request that defendant produce its marketing materials, brochures,

pamphlets, and informational literature for its homeowner's insurance line. Based

upon the written submissions of the parties and the arguments of counsel during a

recorded discovery conference on June 23, 2011, and for the reasons stated by the

court on the record during that conference, it is hereby**:**

ORDERED, that the defendant is not required to respond to the two discovery requests to which it has objected, pending Judge Sharpe's decision on defendant's motion to dismiss, *inter alia*, Count IV of the Complaint, alleging a violation of N.Y. Gen. Bus. Law § 349. If defendant's motion to dismiss Count IV is denied, the court will entertain a further application from plaintiff to compel responses to these discovery requests. And, it is further

ORDERED, that the deadline for plaintiffs' expert disclosure is extended to July 15, 2011 and the deadline for defendant's expert disclosure is extended to August 29, 2011. The other deadlines pending in this case remain in effect, although the parties may apply to extend those deadlines if defendant's motion to dismiss certain counts of the Complaint is denied.

Dated: June 24, 2011

Hon. Andrew T. Baxter
U.S. Magistrate Judge